

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America

v.

Case No.

6:20-MJ-295-MK

THOMAS ROBERT MURPHY

*Defendant(s)***CRIMINAL COMPLAINT
BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 26, 2020 in the county of Lane in the
 District of Oregon, the defendant(s) violated:*Code Section*

18 U.S.C. § 875(C)

Offense Description

Threats over Interstate Communications

This criminal complaint is based on these facts:

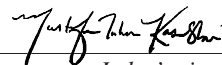
Please see the affidavit of FBI, Special Agent Jacob McPhie which is attached hereto and incorporated herein by this reference.

☒ Continued on the attached sheet.

/s/Jacob McPhie, Per Rule 4.1

Complainant's signature

Jacob McPhie, FBI Special Agent

*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone at 2:55pm a.m./p.m.Date: December 28, 2020*Judge's signature*City and state: Eugene, Oregon

Mustafa T. Kasubhai, U.S. Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss: AFFIDAVIT OF JACOB A. MCPHIE

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Jacob A. McPhie, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation and have been since July, 2018. My current assignment involves investigating violent crimes. My training and experience include investigating federal criminal violations related to violent crime matters and threats of violence, among other federal violations. I have gained experience through work relating to conducting these types of investigations. I have had the opportunity to observe and review numerous examples of threatening and harassing communication as defined in 18 U.S.C. § 875(c) in all forms of media, including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, and I am authorized by law to request a search warrant.

2. This affidavit is submitted in support for a criminal complaint and arrest warrant for Thomas Robert Murphy (hereinafter, “Murphy”) for violations of 18 U.S.C. § 875(c) (Threats over interstate communications)

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation,

communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

Applicable Law

4. 18 U.S.C. § 875(c) provides that whoever transmits in interstate commerce any communication containing any threat to injure the person of another shall be fined pursuant to Title 18 or imprisoned not more than five years, or both.

Statement of Probable Cause

5. In November 2019, Murphy was federally charged in the District of Oregon with Threats against the President of the United States, in violation of 18 U.S.C. § 875(c), and an Interstate Threat, in violation of 18 U.S.C. § 875(c), under case number 6:19-cr-00530-AA. Victim 1 was the assigned Assistant United States Attorney (AUSA) in the Eugene Branch Office for the District of Oregon for this case. Although initially arrested and detained, Murphy was later released from custody while the case was pending, pursuant to judicially-ordered pretrial release conditions. One such condition was the installation of monitoring software on Murphy's digital devices by Pretrial Services. The government ultimately agreed to dismiss the charges against Murphy, and the monitoring software was subsequently removed from Murphy's digital devices.

6. However, in June 2020 (post-dismissal) Murphy sent Victim 1 and others harassing e-mails with general threats. These e-mails were sent from the e-mail address "tHENotePa <thenotepadalien@gmail.com>" and ended with the signature block:

Thomas Murphy
920 L St.
Springfield, OR 97477
541-505-7695
thenotepadalien@gmail.com

These e-mails contained general threats, such as: “Do you fools really think your safe at night after I've told everybody about you all, where you live, have all your documents and opened up numerous websites dedicated to raping your rape faces off!”, and “You'll pay a lot of cash right now or go away forever, or I'll wreck your lives and faces and mouth off today, and smash your childrens' heads into the prison concrete and steel.” In one of the June 2020 e-mails, Murphy also referenced a civil complaint he filed in the District of Oregon under case number 20-30104. The complaint was signed as “Thomas Robert Murphy, Satan Lucifer the Devil, 920 L. St. Springfield Oregon 97477”. The complaint states, “The plaintiff makes this here affidavit to the court: GET THE FUCK OUT OF MY LIFE OR I'LL WALK OVER TO YOUR HOUSE OR UP INTO YOUR COURT AND FUCKING KILL YOU. LEGALLY. and I'll waste your family, guaranteed.” The complaint referenced the aforementioned monitoring software, stating that it had not been removed from his computer.

7. On December 26, 2020¹, Victim 1 received an email containing specific threats of injury from Murphy. The email was sent from “lucifersevarian.acom@gmail.com” and identified “Thomas Murphy” as the sender. The e-mail contained the following:

“From: Thomas Murphy <lucifersevarian.acom@gmail.com>

Sent: Tuesday, December 29, 2020 9:00 AM

To: [REDACTED]

Subject: Case No. 6:18-cr-00033-TC/6:19-cr-00530-AA

Hello, [Victim 1]. Just to remind you, now that you are back in town - yes, you tried to send me to the grinder. That is the primary reason you will never see your children again, and that is how they died. Also, may I remind you, that as

¹ Although the e-mail was received by Victim 1 on December 26, 2020, the e-mail contained an apparently erroneous time stamp of December 29, 2020.

that AUSA for Eugene Oregon, there are easy laws to follow. And you must live your life pertaining to the laws just like anyone else. The main issue today is that the Internet Monitoring Software that was installed on my computer pertaining to a pretrial release, was never removed. I've told you about this before. It is not acceptable. You, [Victim 2], [Victim 3], [Victim 4], [Victim 5], [Victim 6], and [Victim7] are the ones who need to solve this problem. I've already spoken politely to you all about it. I understand your refusal - so I'm going to saw your faces off and rape you to death in front of these police.”

Victims 2-7 were identified by their first name in the e-mail, and correspond with judges, attorneys, and pretrial service officers associated with Murphy’s prior criminal case (6:19-cr-00530-AA).

8. The email luciferseverian.acom@gmail.com is similar to a signatory title that Murphy consistently used in his messages. An e-mail sent by Murphy in June 2020 to Victim 1 and others references a link leading to an audio/video recording that Murphy had of the e-mail recipients. The webpage domain name leading to the recording contained the URL “luciferseverian.com”².

9. On December 26, 2020, FBI sent an Emergency Disclosure Request to Google for subscriber information associated with Luciferseverian.acom@gmail.com. The IP Address used to log into the Google account was 76.115.176.78, an IP Address which resolves to a Comcast Communications account. An Emergency Disclosure Request to Comcast showed that the subscriber for the corresponding Interest Service Provider account is “Mary Murphy” and the

² Affiant did not follow the link due to the concern of computer intrusion or monitoring common in links sent with extortion/threatening communications.

address of 920 L St., Springfield, OR 97477. Mary Murphy is the name of Murphy's mother, who also resides at the same address identified as Murphy's address in prior e-mails (920 L St., Springfield, OR 97477). The phone number listed for account recovery is +1-541-505-7695, which is the same phone number Murphy used in his signature block on prior emails in June 2020.

Conclusion

10. Based on the foregoing information, I have probable cause to believe that Thomas Robert Murphy violated 18 U.S.C. §875(c). I therefore respectfully request that the Court issue this criminal complaint and arrest warrant for Thomas Robert Murphy.

11. This affidavit and the requested arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Adam Delph prior to being submitted to the Court. AUSA Delph informed me that in his opinion, the affidavit and applications are legally and factually sufficient to establish probable cause to support the issuance of the requested complaint and arrest warrants.

Request for Sealing

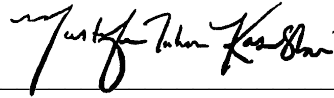
12. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because the information to be seized is relevant to an ongoing investigation, and any disclosure of the information at this time may endanger the life or physical safety of an individual, cause flight from prosecution, cause destruction of or tampering with evidence, cause intimidation of potential witnesses, or otherwise

seriously jeopardize an investigation. Premature disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation.

/s/ Jacob McPhie, Per Rule 4.1

JACOB A. MCPHIE
Special Agent, FBI

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 2:55pm
a.m. /p.m. on December 28, 2020.



HONORABLE MUSTAFA T. KASUBHAI
United States Magistrate Judge